

MISSISSIPPI RIVER HEADWATERS RESERVOIRS
Grand Rapids Vicinity
Itasca County
Minnesota

HAER No. MN-64

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WRITTEN HISTORICAL AND DESCRIPTIVE DATA

HISTORIC AMERICAN ENGINEERING RECORD
National Park Service
Rocky Mountain Regional Office
Department of the Interior
P.O. Box 25287
Denver, Colorado 80225

HISTORIC AMERICAN ENGINEERING RECORD
Mississippi River Headwaters Reservoirs

I. Introduction

Location: Mississippi River Headwaters Reservoirs,
Cass, Itasca, Crow Wing, and Aitkin counties,
Minnesota

Quads: (See sections on individual sites)

UTMs: (See sections on individual sites)

Dates of
Construction: 1881 - 1912

Present Owner: St. Paul District, U.S. Army Corps of
Engineers

Present Use: Flood Control, Recreation

Significance: The Mississippi River Headwaters Reservoirs
dam sites are historically significant for
their association with navigation, commerce,
tourism, the Ojibway Indians, and U.S. Indian
policy in Minnesota in the late 19th century.

The Mississippi Headwaters project comprised
one of the earliest large-scale systems of
reservoirs in the nation. The Corps of
Engineers designed the system to enhance the
flow of the Upper Mississippi River during
low water periods. By enabling a more
reliable waterway system, the reservoirs
aided the development of navigation and
commerce in the region. Most of the dams
were constructed in the wilderness of
northern Minnesota, and were both pioneer
settlements and early tourist attractions.
The project was devastating to the Ojibway
Indians, who lost much of their lands and
property on the shores of the Headwaters
lakes. The construction of the dams led to
a century-long dispute between the tribe
and the government over the issue of damages.

Historian: Dr. Jane Lamm Carroll
St. Paul District
U.S. Army, Corps of Engineers

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II. HISTORY

The Mississippi Headwaters Reservoirs are located in north central Minnesota on the main stem and tributaries of the Upper Mississippi River, near the river's source at Lake Itasca. The six dams are situated between 408 and 168 river miles upriver from St. Paul, Minnesota. They include the Lake Winnibigoshish Reservoir Dam, HAER No. MN-65 (Itasca County, Deer River vicinity); Lake Pokegama Reservoir Dam, HAER No. MN-66 (Itasca County, Grand Rapids vicinity); Leech Lake Reservoir Dam, HAER No. MN-67 (Cass County, Federal Dam vicinity); Pine River Reservoir Dam, HAER No. MN-68 (Crow Wing County, Crosslake vicinity); Sandy Lake Reservoir Dam and Lock, HAER No. MN-69 (Aitkin County, McGregor vicinity); and, Gull Lake Reservoir Dam, HAER No. MN-70 (Cass County, Lake Shore vicinity).

The Mississippi Headwaters watershed encompasses approximately 4,535 square miles and includes hundreds of natural lakes that drain into the reservoirs. The region is generally flat with large areas covered by lakes and swampland. Before the construction of the dams, the lakes and swamps of the region already functioned as a natural reservoir for river flowage. The U.S. Army Corps of Engineers noted in 1879 that "the lakes at the source of the Mississippi furnish a compact reservoir system, almost as if laid out by an engineer."¹

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Between 1883 and 1912, the Corps of Engineers constructed six dams in the Headwaters region to enhance this natural reservoir system. The initial justification for the construction of the reservoir dams, and one which was reiterated for decades, was the improvement of water levels on the Upper Mississippi for navigation below St. Paul. The Corps argued that it was possible to collect and store surplus water in the winter and spring and then later release it to benefit navigation on the river during low water periods in the late summer and autumn. The Corps also expected the reservoirs to provide flood control for the region.²

The construction of a series of locks and dams downriver on the Mississippi between 1917 and 1940 made the navigational function of the Headwaters dams and reservoirs obsolete. Consequently, the primary purpose of the reservoirs shifted from navigation to water storage and the maintenance of desirable water levels for the various interests connected to the reservoirs.³

Beginning in the 1920s, growing numbers of summer residents and tourists used the reservoirs for fishing, camping, boating, and hunting. Public opinion soon demanded that the water levels of the reservoirs be held constant. As early as 1929, lakeshore property owners and resort owners joined forces to complain to the Corps of Engineers of low lake levels, which they claimed were detrimental to local recreational and economic interests.⁴

Increasingly during the 1930s and 1940s, the Corps turned its attention to the development of recreation facilities at the Headwaters dam sites. By the 1950s, the Corps had adopted as its primary goal the management of the public recreation areas that the reservoirs and dam sites had become. The result of this new policy was the expansion and improvement of the camping, fishing, boating, and other tourist facilities at the dam sites. Between 1945 and 1970 the Corps expanded its recreational accommodations at the dam sites to include campgrounds, improved picnic grounds, boat launches, hiking trails, bathrooms, beaches, interpretive centers, and museums. In the early 1970s, the Corps began hiring rangers to manage the Mississippi Headwaters reservoirs recreational facilities. By 1975, over four million people a year visited the six dam sites.⁵

History of Authorization

As part of the earliest effort to improve navigation on the upper Mississippi River, the Headwaters reservoirs are historically significant for their role in the development of transportation in the region. The Headwaters project comprised one of the earliest large-scale system of reservoirs in the nation. The U.S. Army Corps of Engineers designed the system to enhance the flow of the upper Mississippi during low water periods, thus stimulating steamboat navigation on the river.

By enabling a more reliable and efficient waterway system, the reservoirs provided an alternative to the railroads and to a certain extent restored competition in the region's transportation industry. At the time the reservoirs were proposed, many in the Upper Mississippi Valley had become alarmed by the decline of river traffic and the prospect of the railroads monopolizing regional transportation. Midwesterners predicted that the revival of the Mississippi as a commercial highway would force the railroads to lower freight and passenger rates. A number of river improvement conventions were held during the period to discuss ways to rejuvenate declining steamboat traffic. One convention specifically endorsed the reservoir notion as a means to reviving river transportation. Minnesota legislators and Congressmen also expressed a great deal of interest about the reservoir system as a means of improving navigation.⁶

A civilian engineer, Charles Ellet, Jr., first proposed the reservoirs idea in 1850. Congress had hired Ellett to study flood control on the Ohio and Lower Mississippi rivers. He recommended a series of storage reservoirs to control the water levels of the tributaries of the Mississippi during wet and dry periods. However, in 1850, the Corps of Engineers did not favor Ellet's proposal. In 1861, two Corps engineers developed a plan for controlling floods and improving navigation based on a system of levees rather than reservoirs. This proposal proved more

important in determining river planning over the next fifteen years.⁷

Then, in 1866, the Corps began a 14-year series of surveys of the Mississippi Headwaters watershed for the purpose of improving navigation on the upper river. As the result of these surveys, the Corps advanced various plans for the improvement of navigation above Lake Pepin. All of the proposals involved a reservoir system in the Mississippi Headwaters. One plan called for as many as 41 reservoirs on the St. Croix, Chippewa, Wisconsin, and Mississippi rivers to augment flows downstream. An 1875 plan featured a system of timber and masonry dams at the Mississippi Headwaters lakes and rivers. The plan recommended eight dam sites, including Pokegama Falls, Leech Lake, Lake Winnibigoshish, Pine River and Gull Lake. The Corps decided that sites at Mille Lacs, the Vermillion River, and Mud Lake were unnecessary.⁸

In 1878, Congress asked the Corps of Engineers to study the impact of a reservoir system in the Mississippi Headwaters on navigation. On the basis of this study, which predicted that water levels below St. Paul would be raised by such a system, Congress authorized the Corps to construct an experimental dam at the outlet of Lake Winnibigoshish. Congress then appropriated funds for the Headwaters dams for the explicit purpose of improving navigation on the Mississippi River.⁹ The Corps

started work at Winnibigoshish late in 1881. By 1884, the Corps had constructed three more dams at Leech Lake, Lake Pokegama, and Pine River. The Corps completed dams at Sandy Lake in 1892 and at Gull Lake in 1912.

Engineering and Construction of the Dams

The Corps built the dams at lake outlets in very remote areas, usually where there were no existing roads or settlements. For example, for the project at Winnibigoshish, the Corps built over 100 miles of roads to transport the laborers, tools, and supplies needed for the project. In addition, workers cut nearly two million feet of white and Norway pine from the lakeshore for construction of the dam and related buildings.¹⁰

Although masonry dams and control structures were standard Corps engineering by 1881, because of the difficulty of transporting materials and supplies to the wilderness sites, the engineers constructed the original Headwaters dams out of timber, which was readily available. Later, in the late 1890s and early 1900s, the Corps reconstructed the dams with concrete.

In creating the Headwaters reservoirs, the Corps applied technology that was commonly used in late-19th and early-20th century dam construction. The dams, therefore, are not unique either for their architectural or engineering design. Each of the dams had an earthen embankment and a timber outlet structure

footed on timber piles. From the outset, the Corps intended to replace the timber dams with masonry structures at a later date.¹¹ The center core of the embankments were filled with puddled clay and contained a timber diaphragm. The number of discharge sluices varied with the length of the dam. Timber gates, operated by hoisting machines or by steel Tainter gates, controlled the discharge sluices.¹² The outlet structure was a stone-filled crib, supported at each end by stone-filled abutments. The engineers incorporated log sluices into all of the dams and a navigation lock at Sandy Lake to serve the burgeoning steamboat traffic between Aitkin and Grand Rapids.¹³

Charles Wanzer, the assistant engineer at Winnibigoshish, reported that "the starting of so large a piece of work at such a distance from any of the ordinary business facilities has been necessarily slow and expensive."¹⁴ The attempt to employ an efficient method of construction for a series of standardized dams appears to be the most comprehensive coordinated work yet performed on an Upper Mississippi River improvement. The Annual Reports for the period between 1881 and 1892 show that experience gained at one dam site was applied to the next. The Corps controlled costs by shipping the sawmill and other machinery from one dam site to another. Learning from its experiment at Winnibigoshish, the Corps was able to build the remaining Headwaters dams more efficiently and economically. Thus, while

the Winnibigoshish Dam cost \$214,000., the total cost of the following four dams was only \$467,805.¹⁵

In addition to the dams, the Corps constructed a complex of buildings, including a dam tender's residence and maintenance facilities, at each dam site. The complex included all the buildings necessary for dam personnel and their families to live self-sufficiently on the dam site. A map of the Winnibigoshish dam site from 1920 shows, in addition to the dam tender's house, two barns, two chicken coops, two hay sheds, an ice house, a wood shed, a store house, a carpenter shop, a blacksmith shop, and a garage.¹⁶

In 1905, the Corps completed a telephone system that connected the dam sites and allowed dam tenders to communicate daily with the Corps office in St. Paul. Prior to 1905, personnel used telegrams to report and receive information about water levels, rainfall amounts, and dam operations. Although the St. Paul District office directed the release of water from the Headwaters dams, the civilian dam tender was responsible for routine operation of the dam. At times, the Corps employed assistant dam tenders, watchmen, and other civilians at the dam sites.¹⁷

At the three northern-most dam sites, the Corps employed many Ojibway Indians, whose traditional home was on the shores of the Mississippi Headwaters lakes, to work on the project.

Although the tribe opposed the construction of the dams because of potential damages to their villages and resources, many Ojibway benefitted either by employment as laborers or by supplying goods and services for the project. The Ojibway took advantage of the economic opportunities the project offered, even while they realized the dams threatened their means of subsistence. Large numbers of Ojibway worked as laborers at the Leech, Pokegama and Winnibigoshish dam sites. Other Ojibway sold hay, food, and wood to the Corps. They also transported supplies, passengers, and mail to the remote constructions sites, provided laundry service, and acted as guides to locate construction materials, such as rock, for the dams.¹⁸ The Ojibway played a less significant role in the construction of the dams at Sandy Lake, Gull Lake, and Pine River.

Early public reaction to the operation of the dams was favorable. In 1901, Corps engineers reported that the dams had demonstrated the capability of raising the low water stage of the Mississippi River at St. Paul by 12-18 inches over the course of 90 days. The effect of the dams on the flow farther downstream, however, was a matter of controversy. Some claimed that the benefits to navigation extended as far down as Lake Pepin and even to Illinois. However, Corps records show that the benefits to navigation were greatest above St. Anthony Falls and were minimal downstream.¹⁹

Impact on Local and Regional Commerce

A. Milling at St. Anthony Falls

Although the Corps cited navigation improvements as its primary rationale for building the Headwaters reservoirs, commercial interests in the Twin Cities and the region benefitted the most from the project. The water power, flour milling, and lumber milling companies at the Falls of St. Anthony profited from the enhanced river flow provided by the release of water during dry seasons. Not surprisingly, these commercial interests had been influential in promoting the Headwaters reservoirs scheme.

The most prominent advocate of the project was Senator William D. Washburn, a Minneapolis businessman with interests in the flour milling, water power, and lumber industries.²⁰ In Congress Washburn fought for a federally-funded reservoir system. Civic leaders from Minneapolis and other Upper Mississippi River communities supported Washburn in this effort. Minneapolis leaders believe the Headwaters reservoirs would revitalize river traffic above St. Anthony Falls and establish the city as the seat of navigation for the state's northern frontier. Other river communities hoped the reservoirs would help control flooding and renew the waterway as a commercial highway.²¹

During the 1870s, Congress remained wary of funding the Headwaters project because it was apparent that the proposal

would directly benefit private commercial interests. Thus, in 1878, Congress explicitly requested the Corps of Engineers to study the impact of the proposed reservoirs on navigation, as improvement of navigation would benefit the public interest. Since there was little traffic above the Falls of St. Anthony, the Corps had to make the case that navigation between St. Paul and Lake Pepin would increase as a result of the project.²²

The proposed reservoirs had opponents in the region. The St. Paul Board of Trade and St. Paul's civic leaders feared the reservoirs would give Minneapolis a commercial advantage. The railroads also opposed the plan, as the rejuvenation of steamboating on the Mississippi would be detrimental to their economic interests. Many of the lumbermen logging in northern Minnesota feared the dams would impede their activities.²³

It is clear that Minneapolis and the commercial interests at St. Anthony Falls profited from the construction of the dams. The milling and water power companies worked closely with the Corps in ensuing years to regulate the flow of the river to their advantage. The reservoirs provided expanded water power at the Falls at a time when usage was increasing rapidly; Minneapolis was growing and more mills were being built.²⁴ On the other hand, the effect of the reservoirs on the flow below St. Paul was insignificant. The real impetus to navigation on the Upper Mississippi occurred after the construction of a series

of locks and dams in the years between 1917 and 1940.

Minneapolis mill engineers and the Corps of Engineers regularly exchanged information on the conditions that affected river flow. A particularly prominent spokesman for the mill companies was engineer William de la Barre, who led the development of water power between 1885 and 1930, and was an outspoken advocate of the Headwaters reservoirs system. However, after 1890, due to the introduction of advanced steam power and electricity, Minneapolis millers were growing less dependent on the Mississippi for power.²⁵

B. Logging

Logging was the major commercial activity in the Mississippi Headwaters region between 1880 and 1920. Before the federal dams were constructed, lumbermen in northern Minnesota controlled the Mississippi above the Twin Cities, which they dammed at will. After the dams were built, although lumbermen no longer had a free hand in regulating the river's flow, the project did not hinder logging operations. In fact, the Corps of Engineers adopted a policy of assisting lumbermen whenever possible and made log sluicing a routine part of dam operations. Officially the Corps viewed logs sluiced through the dam as a form of navigation.²⁶

As a rule, the Corps cooperated with loggers in the Headwaters, but occasionally the concerns of navigation and the

lumber industry collided. In the late 1880s, for example, the Corps reported that the "operations of the reservoirs and the interest of navigation are much impeded by the actions of lumbermen who build dams at the outlets of lakes or on streams tributary to the Mississippi River in order to gather water for driving their logs."²⁷

Loggers frequently made demands on the Corps with regard to the sluicing of logs and the movement of logs downriver. Loggers expected and usually received the Corp's assistance in releasing water from the dams to enable the transport of logs downstream.²⁸ Although the reservoirs enhanced the navigation of logs by preventing low water, at times they also created high water that hindered log transport. Sometimes the reservoirs overflowed and logs were scattered across the lakes.²⁹ In times of drought, loggers criticized the Corps for its reluctance to discharge water for transporting logs in case the extra water was needed downstream for steamboat navigation. On the other hand, lumbermen below the dams complained that the Corps did not release enough water to generate their sawmills. As its primary responsibility was to aid navigation, the Corps occasionally refused the requests of loggers for the release of water from the dams. The dam tenders sometimes found themselves caught between orders from the St. Paul office to conserve water and the insistence of loggers that water be released to flush logs

downriver.³⁰ However, the rapid demise of the lumber industry in northern Minnesota after 1920 removed the pressure on dam tenders to sluice logs.

Controversy and the Headwaters Reservoirs

Early in the 20th Century the Headwaters reservoirs became the focus of controversy when towns in the region flooded. Residents blamed the Corps for the flooding, although the dams had not created the overflow. The flood of 1905 in the Aitkin area led to charges of mismanagement against the Corps and brought widespread criticism in northern Minnesota of the reservoirs. Congressmen and others in Washington also raised questions about the project's benefit to the public.³¹

Over the course of the 20th century, the Headwaters reservoirs have continued to be the focus of controversy, although the interest groups attempting to influence Corps policy have changed over the years. The tourist industry, lakeshore property owners, the Ojibway Indians, environmentalists, and the state of Minnesota have all exerted pressure upon the Corps to alter reservoir policies. As recently as the 1988 drought, the Twin Cities again took a keen interest in the reservoirs as a means to providing water for the metropolitan area.

The Headwaters Dam Sites as Pioneer Settlements

The Mississippi Headwaters Dam sites and damtender's

complexes preceded permanent white settlement of the region by a number of years. The exception to this rule was the Gull Lake Dam, built in 1912, which the Corps constructed coincidentally with pioneer settlement of the Gull Lake area. The Corps constructed the first four dams -- Winnibigoshish, Leech, Pokegama and Pine River -- in the early 1880s in remote wilderness areas. The isolation of these dam sites in the first 30 years of their existence required the dam tenders and their families, as well as other dam personnel, to form a self-sufficient community in the wilderness. As part of each dam site complex, dam personnel cultivated extensive gardens and raised poultry and livestock. For many years the Ojibway sold wild rice, wild game, and beef to the dam personnel at the Winnibigoshish, Leech and Pokegama dam sites. In the 1880s and 1890s, the newly-established lumber towns of Walker at Leech Lake and Aitkin, Grand Rapids at Pokegama Falls, and Aitkin near Sandy Lake provided additional sources of supplies. But for the most part, the Headwaters remained wilderness outposts until the 1910s.

The Headwaters dam sites were the first stable settlements of non-Native Americans in northern Minnesota. While fur traders had been in the region for over 100 years, and loggers had been in the region for some 10-15 years before the Corps of Engineers built the dams, they had been temporary dwellers who did little

to improve the region's infrastructure. Roads, other than a few crude logging trails, were nonexistent when the Corps started work on the Winnibigoshish and Leech Lake dams. To maintain the dams and supply dam personnel, the Corps built some of the region's first real roads. In fact, much of the labor involved in constructing the first dams included the clearing of land to create roads to the project. In addition, the Corps erected the first telegraph and telephone lines in the Headwaters region.

The Headwaters Reservoirs and the Development of Tourism in Minnesota

The many lakes that drain into the Mississippi Headwaters Reservoirs comprise much of what is now the primary resort region of Northern Minnesota. As early tourist attractions and public recreational areas, the federal dam sites played a role in the development of tourism in the region. In some cases, recreational activities occurred specifically at the dam sites. Most often, they were part of the larger development of the reservoirs as a recreational area.

The earliest tourists to the Headwaters area were hunters, fishermen, and campers who began visiting the lakes in the 1890s. By the early 1900s, families began visiting, choosing either to camp or lodge with homesteaders in the vicinity. During the 1910s, hotels and resorts were established on the lakes to

accommodate the increasing numbers of tourists. Private summer homes and cabins began to dot the lakeshores in the early 1900s. Up to the 1920s, most tourists travelled to the region by train. The Northern Pacific Railroad began publishing annual brochures advertising the attractions of the Headwaters lakes around the turn of the century.³²

The six dam sites on the Headwaters lakes attracted tourists early in the century. The first to visit the dam sites in large numbers were fishermen who found fishing by the dams rewarding. These early tourists used the dam sites as recreation areas before the Corps of Engineers had developed any policy to deal with the visitors. Dam tenders became frustrated as tourists began to interfere with daily operations at the dam sites. For example, in 1910, the Pokegama dam tender complained in his journal that he was continuously on guard against fishermen cutting through the yard, garden, pasture and fences. The visitors were constantly asking the dam tender for favors, such as bread, water, and tackle. The Pokegama dam tender was finding it difficult to tend to his regular duties and to oversee the tourists.³³

During the next decade, dam tenders began to take measures to both control and facilitate recreational users of the dam sites. The Leech Lake dam site, which was completely surrounded by the Ojibway Indian Reservation, offered the only public access

to the lake. In 1913 the Corps issued a license for a public boat landing at Leech Lake. Over the next few years, the Corps also granted licenses for fishing and boating. Fishing excursion businesses were especially important at the Leech Lake dam site.

Spurred by burgeoning tourism, a small village, appropriately named Federal Dam, grew up near the Leech Lake Dam. The village was the first to lease Corps land at a Headwaters dam site for recreational concessions. Another measure taken by the Corps to encourage tourism was the addition of fishways to the Pine River, Winnibigoshish and Leech Lake dams in 1911, 1913 and 1925. A fishway was also included in the original construction of Gull Lake Dam in 1912.

By the 1920s, the Lake Winnibigoshish dam site was very popular with tourists. In June, 1924, the dam tender reported that as many as 500 people had visited the dam site on a recent Sunday. Many of these visitors took water from the dam tender's well, as it was the only place to obtain drinking water in the vicinity. A year later, the Corps allowed a Grand Rapids man to sell minnows at the Winnibigoshish dam site under the supervision of the dam tender.³⁴ In the early 1920s, a private resort was established adjacent to the Winnibigoshish dam site. The camp had forty buildings, including 19 log cabins, a hotel, and a general store. A tourist campground on Corps property was also established at Winnibigoshish in the 1920s.³⁵

Increasingly during the 1930s and 1940s, the Corps of Engineers turned its attention to the development of recreational facilities at the dam sites. By the 1950s the Corps' primary concern was the management of the public recreation areas that the Headwaters reservoirs had become. The result of this new policy was the improvement and expansion of the camping, fishing, boating and other tourist facilities at the dam sites. Beginning after World War II and especially during the 1960s, the Corps expanded its recreational accommodations at the Headwaters dam sites to include campgrounds, improved picnic grounds, boat launches, hiking trails, bathrooms, beaches, interpretive centers, and museums. In the early 1970s, the Corps began hiring rangers to manage the recreational facilities at the reservoirs. By 1975, over four million people per year were visiting the six dam sites.³⁶

The Headwaters Reservoirs and the Ojibway Indians

In 1880 the Ojibway Indians living in Minnesota resided on reservations scattered across the northern half of the state. The major lakes that comprised the Mississippi Headwaters had traditionally been the sites of Ojibway villages and activities. These lakes were also the main source of subsistence for the

Headwaters bands.

The Headwaters lakes were integral to the culture and economy of the Ojibway. Their yearly subsistence cycle reflected the seasonal variations in the resources of the lake and lakeshore. At the end of the winter, Ojibway women spent two months collecting maple sap to make maple sugar while the men hunted. In April and May the bands planted corn and potatoes. In the summer, they picked berries, collected birch bark for wigwams and canoes, maintained gardens on the lakeshore, gathered rushes from the lakes for woven mats, and constructed canoes. In August and September the bands left their villages and set up camps near the wild rice marshes. During these months, they harvested, processed and stored the rice for year-round consumption. The cranberry marshes also yielded fruit in the fall. Once winter came, the men left the village to hunt and trap. The Ojibway also fished throughout the spring, summer, and fall.³⁷

Wild rice was particularly important to the Ojibway of northern Minnesota, as it was the staple of their diet. Often, in lean times, wild rice was the only food available to the Headwaters bands. The Ojibway ate wild rice as a side-dish all year round, and often as a main course. They also used wild rice for medicinal and ceremonial purposes. In addition, many Ojibway legends centered on wild rice. As the wild rice marshes required

the maintenance of water levels in the lakes at normal levels to be productive, the Corps of Engineers destroyed many of these marshes when they created the Headwaters reservoirs.³⁸

The Headwaters reservoirs significantly impacted the lives and subsistence patterns of the Minnesota Ojibway. Consequently, the project affected relations between the tribe and the Federal government. In fact, it was not until 1985 that the Headwaters bands of Ojibway and the government reached an out-of-court settlement to adequately compensate the tribe for damages and loss of lands resulting from the creation of the reservoirs. In the 1985 settlement, the United States agreed to pay the Leech, Winnibigoshish, and Mississippi bands \$3,390,288.00 for losses caused by the three northern-most dams. The award was based on the estimated loss of 178,000 acres, as well as damage to rice marshes at Leech, Winnibigoshish and Pokegama. Although the government had paid the tribe \$150,000 in 1890, the Ojibway had claimed for almost a century that the compensation had been inadequate.³⁹

The controversy over damages to the Ojibway's land began in 1880, when Congress first authorized the construction of the dam at Lake Winnibigoshish. A proviso of the act authorizing construction stated that "all injuries occasioned to individuals by overflow of their lands shall be ascertained and determined by

agreement, or in accordance with the laws of Minnesota, and shall not exceed in the aggregate five thousand dollars." Questions about the legality of taking and damaging reservation lands to construct the Winnibigoshish Dam led the Corps of Engineers to postpone construction until the legal issues were settled. The Secretary of War, Alexander Ramsey, requested the United States Attorney General, Charles Devens, to provide his opinion. Devens concluded that the act authorizing construction at Winnibigoshish had not given the Federal government the authority to take or overflow Ojibway lands because of the inadequate provision for compensation for damages. While the United States had the power to take the reservation land under the doctrine of eminent domain, Congress had not exercised this right. Devens reasoned that the authorization's proviso was inherently unfair and therefore did not represent the desire of Congress to take Indian land. He argued that, for Congress to take reservation land and pay only \$5,000, would be unjust and out of keeping with past dealings with the Ojibway. Devens concluded that additional legislation was necessary before the government could build the dams legally.⁴⁰

The Congressional act of March 3, 1881, appropriated funds for building the Winnibigoshish Dam and provided that the damages paid to the Indians should not exceed 10% of the total appropriations for the project up to that time. Since Congress

had appropriated \$225,000, the proviso limited the Ojibway to \$25,000 in damages.⁴¹

In August, 1881, the Department of Interior appointed the first in a series of four commissions to meet with the Ojibway in the Headwaters region. This first commission assessed the potential damages to both tribal and individual properties at Leech and Winnibigoshish lakes. The commission recommended an award of \$15,466.90 and the Department of Interior approved this amount. The Ojibway, however, protested that the compensation was inadequate and refused to accept the money. The tribe was so angry that the Commissioner of Indian Affairs feared an uprising. Several prominent white friends of the tribe prevented violence by suggesting that the government reconsider the decision.⁴²

Allies of the Ojibway lobbied for over a year for a reconsideration of the award. In May, 1882, several prominent Minnesotans, including former governor Henry Sibley, published an open letter to the Commissioner of Indian Affairs in the St. Paul Pioneer Press, in which they urgently recommended government action to prevent a war with the Headwaters bands. The letter stated that discontent among the Ojibway was spreading and required "only some rash act of a few young men among these bands along the lake to bring on a long and expensive Indian war." Recalling the Sioux War of 1862, the authors warned that the situation was "delicate and dangerous."⁴³

The Episcopal Bishop Henry Whipple was the most ardent advocate for the tribe in the matter. During the autumn of 1881, Whipple counseled the angry Ojibway to remain calm and to keep the peace while he attempted to persuade the Commissioner of Indian Affairs to reopen negotiations with the tribe. Whipple, other friends of the tribe, and the Indians themselves, repeatedly suggested over the course of the following year that the Commissioner should send a delegation of tribal leaders to Washington to settle the controversy. The Department of Indian Affairs denied the request, claiming it did not have the funds to finance a delegation.⁴⁴

As a result of pressure from the Ojibway and their allies, the Commissioner of Indian Affairs finally appointed a second commission in December of 1882. The new commission included Henry Sibley, ex-governor William Marshall, and a missionary, James Gilfillan. The task of the commission was to ascertain how much wild rice, cranberries, hay, maple sugar, and fish were harvested annually by the Ojibway in order to assess losses to the tribe's subsistence resulting from the overflow caused by the dams.⁴⁵

Despite the sincere intentions of the second commission to deal fairly and quickly with the damages issue, circumstances beyond the control of the three men delayed their work for nine months. Before their report was finally submitted in November of

1883, Marshall wrote a letter to the Commissioner of Indian Affairs in which he suggested that the government should pay any additional money to the Ojibway for "sentimental damages."

Marshall explained that there was more at stake for the Indians in the flooding of their lakes than could be assessed strictly in monetary terms:

As a question of material damage it is not easy to get at a just estimate. I doubt if any commission could arrive at it. The possessions of the Indians, the fishing privileges, rice marshes, canoe-making grounds, etc., have not a marketable and commercial value, such as the possessions and privileges of white men...there is, too, a large sentimental damage, not material, but not less real, involved. Their accustomed haunts are broken up, their paths, roads submerged, they will feel compelled to relocate their villages, will have to adapt themselves to new surroundings,....⁴⁶

Meanwhile, the Ojibway were running out of patience with the government's inaction. In August, 1883, they informed the Commissioner of Indian Affairs that the tribe had decided that construction of the dams should be delayed until a settlement was reached. This demand, like the others the tribe had made, was ignored. By the end of the summer, Bishop Whipple was "heartsick" over the controversy and felt that it was "one of the many instances where we have violated principles of justice."⁴⁷

The second commission finally met with the Ojibway on a

council at Leech Lake and attempted to determine the monetary value of losses to the lake bands affected by the reservoirs. However, the Ojibway refused to cooperate with the commission by giving them information about annual harvests. The Leech Lake band had already decided among themselves that they would not accept an award of less than \$500,000 annually. Ojibway leaders reiterated this position at the council meetings. The leaders also tried to explain that the nature of their loss went beyond dollar amounts. Sturgeon Man, the spokesman for the Leech Lake band, asserted:

no white man knows of the damage that will be done to us. As long as the sun shall pass over our heads we would have been able to live here if this dam had not been commenced. Every year that supports us grows in this place. If this dam is built, we will be scattered, we will have nothing to live on.⁴⁸

Although the commission attempted to explain the doctrine of eminent domain, the Ojibway would not concede the government's right to build dams and overflow reservation lands. They felt the United States had acted unjustly, had taken their land without their permission, and was in violation of earlier treaties.

The second commission assessed damages itself and determined that extensive damage would be or had already been done to the Ojibway's means of subsistence. The commission recommended a one-time payment of \$10,038.18 and annual compensation of

\$26,800.⁴⁹ This award, however, did not pay the Ojibway for lands confiscated or overflowed. According to the law, the tribe did not own the reservation, but simply had the right to occupy the land. As the Federal government retained title to the reservation, it was not obliged to pay for the lost land. The second commission tried to compensate for this injustice by being liberal in their estimates of damages.⁵⁰

Since legislation authorizing the Headwaters project had not provided for annual damages, a new appropriation by Congress would have been necessary for the commission's recommendation to take effect. However, Congress did not pass any new legislation. Moreover, because the Commissioner of Indian Affairs did not wish to insult the tribe by offering only the \$10,038.18, which was less than the award recommended by the first commission, he declined to give the Ojibway any award, pending new legislation.

Three years later the Ojibway had still not been compensated for the damage caused by the reservoirs. Meanwhile, the government had developed a new agenda for dealing with the Minnesota Ojibway bands. In 1886, the Federal government turned its attention toward consolidation all the Minnesota bands onto the White Earth Reservation. Although treaties of the 1860s had aimed at this goal, the government had not succeeded in removing the bands from their traditional lakeside villages in the Headwaters region and on the other lakes of northern Minnesota.

In August, 1886, the government appointed the Northwest Indian Commission to meet with the Ojibway and reach a settlement about removal to White Earth reservation. Bishop Whipple led the three-man commission. Upon meeting with the bands, the new commission found that they had to first address the issue of compensation for damages from the dam project before the Ojibway would even consider discussing an agreement to relocate. Consequently, Article IV of the 1886 Northwest Indian Commission Agreement promised a one-time payment of \$150,000 to the tribe.

Although the \$150,000 award was less than they had demanded, fearing that the government was not going to compensate them at all for their losses, the Ojibway signed the 1886 agreement. Unfortunately for the tribe, Congress never ratified the Northwest Indian Commission agreement. After five years and three commissions, the Headwaters reservoirs controversy still had not been resolved.⁵¹

The Department of Interior appointed a fourth commission three years later to reach another agreement with the Ojibway. The aim of the new commission, which was led by Henry Rice, was the consolidation of the Minnesota Ojibway on to the White Earth and Red Lake reservations. This action was taken pursuant to the Nelson Act of 1887, which also provided for the allotment of Ojibway lands. However, since a proviso of the Nelson Act allowed the Indians to take allotments at the old reservation

sites, consolidation was effectively undermined.

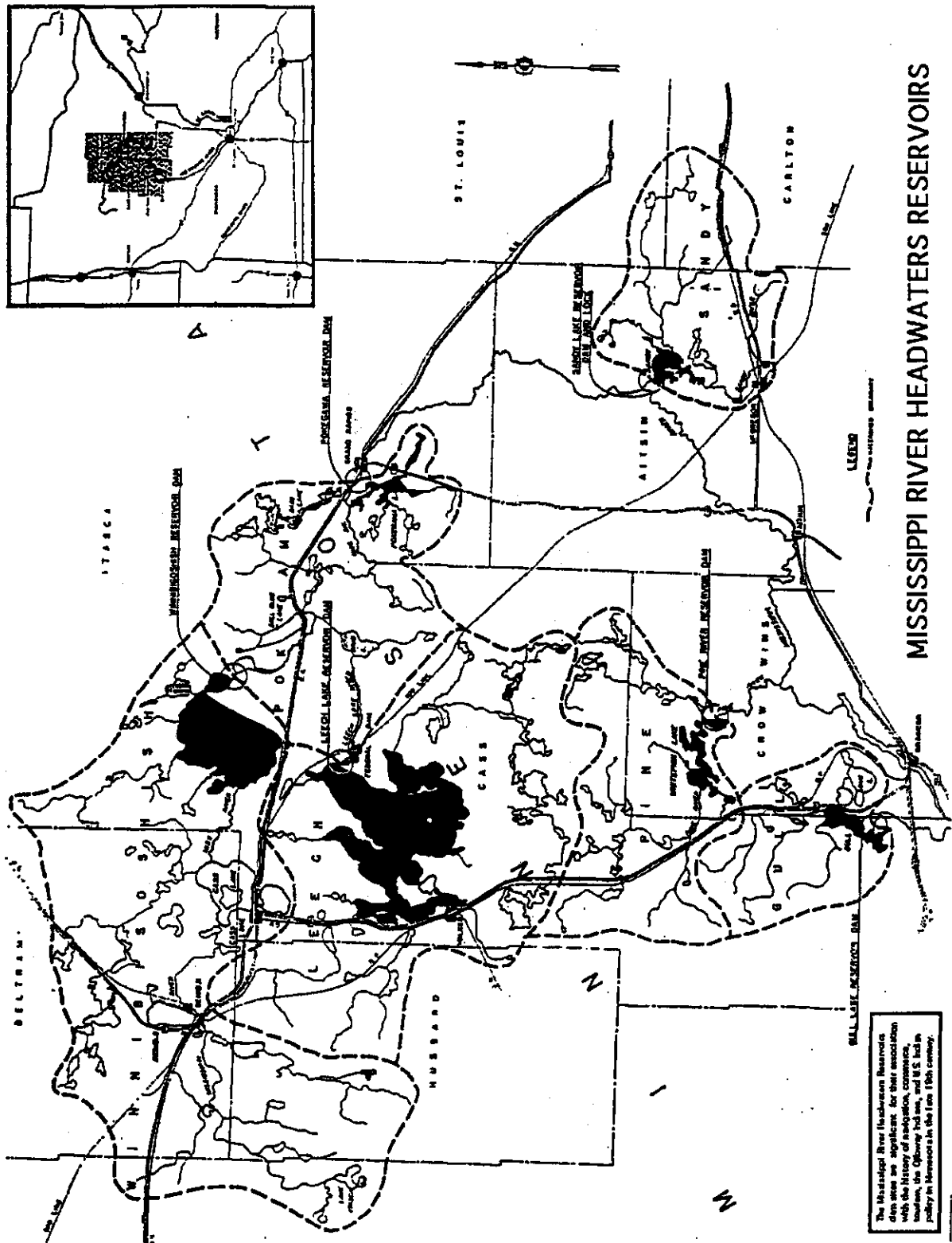
As they had at councils with the Northwest Indian Commission, the Ojibway refused to discuss removal until the reservoirs damages issue was addressed. At the Leech Lake council, the Ojibway demanded that the commission give their solemn promise to do their utmost to settle the matter immediately. An honor guard accompanied the Rice Commission to prevent any discussion occurring before the Ojibway's grievances were considered. The Leech, Winnibigoshish, and Cass Lake bands were the most angry over the project. These bands were virtually destitute as a result of the overflowed rice marshes, cranberry bogs, and hay fields. Some of the Leech Lake band blamed Henry Rice, the leader of the commission, for having advised them to keep quiet while the dams were built. Now the reservoirs were destroying their means of subsistence and their way of life.

The council ended with many of the Leech Lake band refusing to sign the removal agreement. Although the commission promised to obtain the \$150,000 promised previously, many of the Ojibway remained dissatisfied with the amount of the award. Sturgeon Man pointed out that the Northwest Indian Commission agreement had no legal force and that, in any case, the Leech Lake band had never agreed to accept the \$150,000 award. Although the commission persuaded some of the band's members to sign the 1889 agreement, they did so with the fear that the government would never pay

them for their losses.⁵²

At the Winnibigoshish council, the band reported to the commission that their graveyards had been overflowed and washed into the lake. Bones and skulls were scattered along the lakeshore. In addition, the high water had destroyed their village and gardens. Of all the Headwaters bands, the Indians living at Winnibigoshish claimed to be the most adversely affected by the dams.⁵³

Although the Rice Commission recommended a payment of \$1.25 per acre of lost land in addition to the \$150,000 award already promised, further compensation was not paid to the tribe until 1885. In 1890, the government had finally paid the bands the \$150,000 promised four years earlier. However, the 1890 award did not end the controversy over the Headwaters dams. While the government may have believed the tribe had been fairly compensated, the Ojibway continued to feel cheated. Resentment and bitterness over the damages issue, along with other grievances against the government, comprised the underlying causes of the Sugar Point Uprising of 1898. Although precipitated by a series of seemingly trivial events, this brief but violent revolt by members of the Leech Lake band represented the degree to which unjust government policies had outraged the Minnesota Ojibway.⁵⁴



MISSISSIPPI RIVER HEADWATERS RESERVOIRS

The Mississippi River headwaters reservoirs are significant for their association with the history of navigation, commerce, tourism, the Olympic Games, and U.S. land policy in Minnesota in the late 19th century.

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